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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,533	03/31/2004	Mark Earl Plutowski	080398.P585	9996
8791 7590 10/13/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,533

Applicant(s)

PLUTOWSKI ET AL.

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-13, 15, 18-26, 29, 30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13, 15, 18-26, 29, 30, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in reference to communication received 16 June 2009. Claims 1 – 3, 6 – 13, 15, 18 – 26, 29, 30, 33 and 34 are pending for examination.

Response to Arguments

Applicant's arguments and concerns are for Amended Claims which have been responded to in response to pending claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 3, 6 – 13, 15, 18 – 26, 29, 30, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has added limitation:

“generating, from the plurality of Web Services, a service plan to be performed by the identified plurality of Web Services, wherein the service plan represents a plurality of actions that invokes the plurality of Web Services. As currently claimed, it is not clear

how to differentiate in the claimed invention, difference between plurality of Web Services and Identified Plurality of Web Services.

transmitting the Web Service composition to a user system, wherein the user system executes the Web Service composition to invoke at least one of the plurality of Web Services to perform a transaction to generate transaction information for the user request. As currently claimed, it is not clear whether the transmitted Web Service composition is ever executed, and, also whether the transaction information for the user is generated,

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 6 – 13, 15, 18 – 26, 29, 30, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto US Publication 2003/0046119 in view of Nakagawa US Patent 7,266,376.

Regarding claims 1, 13, 25, 29 and 33, as best understood by examiner, Yamamoto teaches a computerized apparatus, system and method with the capability

for: creating a Web Service composition to enable a user to achieve a goal. Yamamoto teaches capability for:

receiving, by a server, a user request from a user, wherein the user request includes the goal of the user [Yamamoto, 0090, Fig. 1, 7 and disclosure associated with the Figure];

identifying a plurality of Web Services to be performed to service the user request, wherein the plurality of Web Services are services provided by at least one of: one or more of a plurality of devices or one or more of a plurality of web servers (user requesting movie ticket downloaded to user device requires server of movie theater involved; user requesting direction requires GPS and Map services server to be involved etc.) [Yamamoto, 0090, Fig. 1, 7 and disclosure associated with the Figure];

generating, from the plurality of Web Services, a service plan to be performed by the identified plurality of Web Services, wherein the service plan represents a plurality of actions that invokes the plurality of Web Services (Train Schedule, movie theater, restaurant, map) [Yamamoto, Fig. 1, 7 and disclosure associated with the Figure];

Yamamoto does not explicitly recite translating the plan into a Web Service composition expressed in a business process modeling language incorporating exception handling. However, Nakagawa teaches providing information to mobile user device based on the preference of the user. Nakagawa teaches capability for providing plurality of Web Services from plurality for servers based on current status of the user [Nakagawa, Fig. 1, 4, 9 and disclosure associated with the Figures] Yamamoto in view of Nakagawa teaches concept for providing to the user device information in the format

used by the user device (i.e. **translating from server format to the user device format**) (Yamamoto teaches providing movie tickets, making payments, providing directions etc). **Even though Yamamoto in view of Nakagawa does not teach what language it uses to provide web services, it is obvious to one of ordinary skill in the art that Yamamoto uses some language to be able to provide web services to the user over a communication network to be able to make it easy to build sophisticated applications.**

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Yamamoto in view of Nakagawa by using a business process modeling language incorporating exception handling to be able to build sophisticated applications (e.g. Opera, CORBA etc.), apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Yamamoto in view of Nakagawa teaches concept for:

translating the plan into a Web Service composition expressed in a business process modeling language incorporating exception handling

transmitting the Web Service composition to a user system, wherein the user system executes the Web Service composition to invoke at least one of the plurality of Web Services to perform a transaction to generate transaction information for the user request [Yamamoto, 0090, Fig. 1, Fig. 7 and disclosure associated with the Figures].

a memory;
at least one processor coupled to the memory
machine readable medium having stored thereon computer executable data
representing sequences of instructions
means for identifying a plurality of Web Services to be performed according to
the user request; and means for generating, from the plurality of Web Services, a Web
Service composition expressed in a business process modeling language incorporating
exception handling.

Regarding claim 2, Yamamoto in view of Nakagawa teaches capability for
executing the expressed Web Service composition in a business process modeling
language execution engine.

Regarding claims 3, 15, 26, 30 and 34, Yamamoto in view of Nakagawa can be
modified and implemented with any one of Business Process Execution Language for
Web Services (BPEL4WS), Business Process Modeling Language (BPML), and Web
Service Choreography Interface (WSOI).

Regarding claims 6 and 18, Yamamoto in view of Nakagawa teaches capability
for determining constraints and preferences associated with the user request.

Regarding claims 7 and 19, Yamamoto in view of Nakagawa teaches capability wherein the expressed composite Web Service can be generated using automated planning.

Regarding claims 8 and 20, Yamamoto in view of Nakagawa teaches capability for developing a planning domain associated with the business process modeling language; creating a plan based on a specification of the planning domain (Yamamoto, user's itinerary for the day which is created and managed).

Regarding claims 9 and 21, Yamamoto in view of Nakagawa teaches capability for translating the plan into the composite Web Service by developing an abstract service domain (ASD); generating a first plan based on a specification of the ASD; translating the first plan into a second plan created based on a specification of a second domain associated with the business process modeling language; and translating the second plan into the Web Service composition expressed in the business process modeling language [Nakagawa, Fig. 9 and disclosure associated with the Figure].

Regarding claims 10 and 22, Yamamoto in view of Nakagawa teaches capability wherein the ASD can be developed based on input of a domain expert.

Regarding claims 11 and 23, Yamamoto in view of Nakagawa teaches capability wherein the first plan can be generated using a hierarchical task network (HTN) planner.

Regarding claims 12 and 24, as responded to earlier, Yamamoto in view of Nakagawa teaches capability for developing an abstract service domain (ASD); converting the ASD to a second domain associated with the business process modeling language; obtaining a plan based on a specification of the second domain [Nakagawa, Fig. 9 and disclosure associated with the Figure].

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naresh Vig/
Primary Examiner, Art Unit 3629